

Customer No.: 64884

Docket No.: -H0630-0003-P003

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**Remarks**

The nonfinal Office Action mailed on April 8, 2010 has been carefully reviewed and considered. Applicant thanks the examiner for identifying the clerical error in the status identifier of claim 36. Appropriate status indicators are provided in the Listing and Amendments to Claims provided herewith.

Independent claims 1, 13 and 36 are herewith amended to more clearly define the invention. Claims 1, 3-13, 16, 31, 32 and 34-38 are pending in the application.

Applicant thanks the Examiner for the indicated acknowledgment of domestic priority, and for withdrawal of the previously pending rejections of claim 39 and 40 under 35 USC §112, second paragraph.

The restatement of previously addressed interpretations of claim terms "substantially instantaneously identical" and "detail drawing" as well as "markup lines" is noted.

Applicant also notes with appreciation the indication that "Applicants have persuasively shown that Bergman's "buffer" is different from the claimed buffer," and that "applicants have persuasively shown at the Bergman reference does not teach the claimed "buffer."

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**35 USC §103**

Claims 1, 3-6 and 36-38 stand rejected under 35 USC §103(a) over United States patent number 6,499,006 to Rappaport et al. (*hereinafter* Rappaport) in view of United States patent number 5,821,937 to Tonelli et al. (*hereinafter* Tonelli) in further view of CADDstar version 5.0 Help Manual (*hereinafter* Help Manual). Applicant respectfully traverses.

The present application relates to a system and method for network infrastructure management. In this context, claim 1 recites:

A method for deploying a fiber optic communication network comprising: storing an attribute of an optical communication component in a computer catalog database entry, said optical communication component including a fiber reel having an uneven buffer count ; associating said catalog database entry with a design profile; selecting said database entry from said design profile; reading said attribute from said database entry; associating said attribute with a planned deployment of a physical instance of said component; calculating an optical loss, including a loss associated with an optical fiber splice; forming a visible image representing said planned deployment, said visible image including a separately identified integrated detail drawing ; and associating a location on said visible image with a GPS signal. Emphasis added.

The Rappaport reference relates to a method for displaying the results of predicted wireless communication system performance of a three-dimensional

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region of fluctuating elevation and/or color within a three-dimensional computer drawing database. Abstract.

The Tonelli reference relates to a method for designing networks including auditing a network to discover a present network configuration, creating a network designed sheet from the discovered network configuration, placing device icons representing intelligent device objects on the network design sheet, selecting a media type representing an intelligent media object, and connecting the media type to a first one of the device icons. Abstract

The Examiner's careful consideration in evaluating the present claims is evident and much appreciated. However, as noted in previous responses, the Patent Office conclusion that Rappaport and Tonelli are analogous art on the grounds that they both relate to networks is believed to be improperly drawn. Applicant respectfully submits that Rappaport is completely different from Tonelli inasmuch as Rappaport relates to "allowing a RF system designer to dynamically model a wireless system electronically in any environment." Column 4, lines 13-15. This is very different from Tonelli which is directed to "auditing a network by using more than one soft probe to discover topology, host and interface information on devices in the network." Column 2, lines 25-28. Applicant submits that these objectives and systems are very different and would be directed to entirely different classes of practitioners. Accordingly, the proposed combination is believed to be improperly made.

Applicant also restates here the previously made argument that the Help manual is not properly construed as prior art. As previously noted, the Help Manual was distributed on a limited basis and exclusively to specific purchasers

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of the corresponding software, and was not published or distributed on a shrinkwrap basis. As such it would have been available only to a constrained set of users and would not have been available to the practitioner of skill in the art. Consequently, any distribution of Help Manual does not rise to the level of publication, and Help Manual is therefore not properly a prior art reference.

Even accepting, *arguendo*, that Rappaport and Tonelli are properly combined, and even with the further combination of Help Manual, Applicant respectfully submits that the references do not teach or suggest every feature of claim 1. In particular, none of the references now of record, whether taken alone or in combination, serves to teach or suggest the claim 1 features of "forming a visible image representing said planned deployment, said visible image including a separately identified integrated detail drawing; and associating a location on said visible image with a GPS signal."

For at least these reasons, claim 1 is neither anticipated nor obvious, and the rejection of claim 1 under 35 USC §103(a) over Rappaport in view of Tonelli and in further view of Help Manual is overcome. Accordingly, withdrawal of the subject rejection is respectfully requested.

Claims 3-6 depend, directly or indirectly, from claim 1 and incorporate every feature thereof. Accordingly, for at least the reasons given above in relation to claim 1, the rejections of claims 3-6 under 35 USC §103(a) over Rappaport in view of Tonelli and in further view of Help Manual are also overcome. Withdrawal of the corresponding rejections is therefore respectfully requested.

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Claim 36, as amended, recites in pertinent part "forming a visible image representing said planned deployment, said visible image including a separately identified integrated detail drawing; [and] associating a location on said visible image with a GPS signal." Accordingly, for reasons corresponding to those provided above in relation to claim one, claim 36 is neither anticipated nor rendered obvious by any reference now of record, whether taken alone or in combination. Therefore withdrawal of the rejection of claim 36 under 35 USC §103(a) over Rappaport in view of Tonelli and in further view of Help Manual is respectfully requested.

Claims 37 and 38 depend directly from claim 36 and incorporate every feature thereof. Therefore, for at least the reasons given above in relation to claim 36, the rejections of claims 37 and 38 under 35 USC §103(a) over Rappaport in view of Tonelli and in further view of Help Manual are also overcome. Withdrawal of the subject rejections is therefore respectfully requested.

Claims 7-9, 12, 31-32 and 34-35 stand rejected under 35 USC §103(a) over Rappaport in view of Tonelli, in further view of Help Manual, and in still further view of United States patent number 4,866,704 to Bergman (*hereinafter* Bergman).

The Bergman reference relates to an asynchronous, high-speed, fiber optic local area network originally developed for tactical environments with additional benefits for other environment such as spacecraft, and the like. Abstract.

Applicant respectfully notes that the further combination of Bergman with Rappaport, Tonelli and Help Manual does nothing to remedy the deficiency of the combination addressed above in relation to claims 1 and 36. In light of this,

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and taking note of the fact that claims 7-9, 12, 31-32 and 34-35 all depend, directly or indirectly, from claim 1, the present rejection is believed to be overcome for at least the reasons given above. Accordingly, withdrawal of the subject rejection is respectfully requested.

Claims 10-11 stand rejected under 35 USC §103(a) over Rappaport in view of Tonelli, in further view of Help Manual and in still further view of United States patent number 5,761,432 to Bergholm et al. (*hereinafter* Bergholm).

The Bergholm reference relates to an attribute design database system that provides for inventory management, order process management and design management. Abstract

Applicant respectfully notes that the further combination of Bergholm with Rappaport, Tonelli and Help Manual does nothing to remedy the deficiency of this combination, as addressed above in relation to claims 1 and 36. In light of this, and taking note of the fact that claims 10 and 11 both depend directly from claim 1, the present rejection is believed to be overcome for at least the reasons given above. Accordingly, withdrawal of the subject rejection is respectfully requested.

Claims 13 and 16 stand rejected under 35 USC §103(a) over "Modeling Multiple Views of Design Objects in a Collaborative CAD Environment" (*hereinafter* Rosenman) in view of Rappaport and in further view of Help Manual.

The Rosenman reference relates to modeling multiple views of design objects in a collaborative CAD environment. Page 1, line 1.

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Applicant respectfully notes that the further combination of Rosenman with Rappaport and Help Manual does nothing to remedy the deficiency of this combination as addressed above in relation to claims 1 and 36. In light of this, and taking note of the fact that claim 13 is herewith amended to include the features of "associating a location of a communication network component of said plurality of communication network components with a physical address determined by a GPS signal," the present rejection of claim 13 is also overcome. Inasmuch as claim 16 depends directly from claim 13, the rejection of claim 16 is likewise overcome. Accordingly, withdrawal of the subject rejections is respectfully requested.

Claims 1, 3-12, 31-32 and 34-35 stand rejected under 35 USC §103(a) over Help Manual in view of Tonelli. Each of these claims has been addressed above with respect to the combination of Help Manual and Tonelli, and it has been shown that the combination of Help Manual and Tonelli does not teach or suggest every limitation of the claims. Accordingly, the rejections of claims 1, 3-12, 31-32, 34 and 35 under 35 USC §103(a) over Help Manual in view of Tonelli are overcome. Withdrawal of these rejections is therefore respectfully requested.

In view of the foregoing arguments and amendments, all claims now in the application are believed to be in immediate condition for allowance. Therefore, allowance of all claims and prompt passage of this application to issue is earnestly solicited.



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A petition for a three month extension of time is transmitted herewith, along with the requisite fee. If required, the Commissioner is hereby petitioned, under 37 C.F.R. § 1.136 (a), to extend the time for filing a response to an outstanding Office Action, or any communication filed in this application by this firm, by the number of months which will avoid abandonment under 37 C.F.R. §1.135. The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to Deposit Account No. 50-3950 of Bergman & Song LLP, under Order No.: -H0630-0003-P003

If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (617) 868-8871 in Cambridge, Massachusetts.

Dated: OCT 08 2010

Respectfully submitted,

By 

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